



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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### Memorandum

To: Area Manager, Snake River Area Office, Bureau of Reclamation, Boise, Idaho

From: *Acting* Supervisor, Snake River Fish and Wildlife Office, U.S. Fish and Wildlife Service  
Boise, Idaho *Angela Bell-Haas*

Subject: Black Canyon Reservoir and Montour Wildlife Management Area Resource Management Plan, Boise Project, Payette Division, Idaho – Concurrence  
File #1009.0700 OALS #1-4-04-I-224

The Fish and Wildlife Service (Service) is writing to provide concurrence with the Bureau of Reclamation's (Bureau) Biological Assessment (Assessment) for the Black Canyon Reservoir (Reservoir) and Montour Wildlife Management Area (Area) Resource Management Plan (Plan). The Bureau requested the Service's concurrence with its determination that the Plan may affect, but is not likely to adversely affect the bald eagle (*Haliaeetus leucocephalus*), Ute ladies'-tresses (*Spiranthes diluvialis*), bull trout (*Salvelinus confluentus*), or gray wolf (*Canis lupus*), and will not result in the destruction or adverse modification of proposed critical habitat for bull trout. The Bureau requested concurrence and made its determinations pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act).

The Bureau also determined that the proposed Plan would not jeopardize the continued existence of the then proposed plant slickspot peppergrass (*Lepidium papilliferum*). On January 22, 2004, the Service announced the withdrawal of its proposal to list slickspot peppergrass (*Lepidium papilliferum*) under the Act. This species no longer has any status under the Act, and will not be addressed further in this memorandum.

The proposed Plan involves continued management and enhancement of natural and cultural resource values and recreational opportunities at the Reservoir and Area. A complete description of all actions that are proposed as part of the Plan can be found in the Assessment, section 2.2.2. In general, the proposed Plan continues the existing management of the Reservoir and Area, with some additional measures aimed at improving water quality, wildlife habitat, public safety, and maintaining or improving recreational opportunities.

Based on the information provided in the Assessment, the Service concurs with your determination that the proposed Plan may affect, but is not likely to adversely affect bald eagles. Bald eagles are known to use the Reservoir during the winter for foraging and other activities.

Currently, there are no known bald eagle nest sites at the Reservoir or Area. Because most activities specified in the Plan will occur in the summer months, and any potential impacts to wildlife or other natural resources are expected to remain the same or to be wholly beneficial, the Service does not anticipate that the implementation of the Plan will result in any adverse impacts to bald eagles.

The Bureau determined that the Plan may affect, but is not likely to adversely affect Ute ladies'-tresses. To date, Ute ladies'-tresses has been found in Idaho only in Bonneville, Madison, Jefferson, and Fremont Counties. The Service does not expect that Ute ladies'-tresses would occur within the Area, and any potential impacts to the species from the implementation of the Plan are discountable. In addition, the Bureau has proposed to identify and avoid any potential Ute ladies'-tresses habitat that may be impacted by Plan implementation. For these reasons, the Service concurs with the Bureau's determination for Ute ladies'-tresses.

The Bureau also determined that the proposed Plan may affect, but is not likely to adversely affect bull trout. Bull trout are known to occur upstream of the Reservoir in upper Squaw Creek. However, given the distance between known populations and the Reservoir, numerous irrigation diversions along the mainstem Squaw Creek, and warm water conditions found in the Reservoir, the Service does not expect bull trout to occur in the Reservoir. The Plan is not expected to affect Squaw Creek. For these reasons, the Service considers the potential for adverse impacts to bull trout is discountable. Critical habitat for bull trout was proposed in Squaw Creek, but did not include the area of the Reservoir. Various actions in the Plan may impact the very lower reaches of Squaw Creek, but they are not expected to destroy or adversely modify the existing value of the habitat elements required to support bull trout in Squaw Creek.

It is possible that the gray wolf may occur in the project area. However, the Plan is not expected to adversely impact prey populations, or to significantly increase human use of the area. Therefore, the Service concurs that implementation of the Plan will not adversely impact the gray wolf, and will not jeopardize the continued existence of the experimental, non-essential population.

This concludes consultation for the proposed reservoir and wildlife management area Resource Management Plan under section 7 of the Act. If the project proposal addressed in this letter is modified or environmental conditions change, you should confirm that your determinations are still correct. If you have any questions regarding our comments please contact Kendra Womack of my staff at (208) 685-6955. Thank you for your continued interest in endangered species conservation.